



Freshwater Wetlands General Permit
Rhode Island Department of Environmental Management
Office of Water Resources

Pursuant to Rule 3.10 of the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act, 250-RICR-150-15-3 (“Rules”), RIDEM hereby issues this Freshwater Wetlands General Permit for eligible projects and activities subject to the applicability and standard terms and conditions outlined herein.

Effective Date: October 10, 2022

Expiration Date: October 10, 2027

I. **Purpose and Applicability:** This permit applies to projects and activities identified herein within all Freshwater Wetland Jurisdictional Areas of the State of Rhode Island, as defined in R.I. Gen. Laws § 2-1-20 and the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act (“RIDEM Rules”), 250-RICR-150-15-3. Upon confirmation in writing by RIDEM, and subject to compliance with all standard terms and conditions of this General Permit (“GP”), applicants are authorized to proceed with eligible projects and activities identified herein within the defined freshwater wetland Jurisdictional Areas. **The permittee is responsible for compliance with all project-specific requirements as well as all standard terms and conditions of this GP and any other applicable State, local or federal regulations. RIDEM shall be held harmless for any failure of the permittee to comply with this GP.**

A. **Eligible Projects and Activities**

1. **Individual residential construction:** Construction of individual single-family or duplex residential structures, and construction of associated accessory structures, on lots of record, subject to compliance with all standard terms and conditions of this permit and with all of the following project-specific requirements:
 - a. Applicants must demonstrate that all construction-related disturbance and future use of the property, including buildings, infrastructure, accessory structures and landscaped yard areas are proposed outside all freshwater wetlands and meets all Freshwater Wetland Buffer Standards specified in Rule 3.7.1(B), except as specified below in (b). While not required, it is advised that applicants first obtain a verification of wetland edges and applicable buffer zone limits (see Rule 3.9.3) to facilitate quicker review and a predictable outcome. Note that buffers include existing undeveloped vegetated land and, where applicable, creation of new buffer (Rule 7.1(B)(3)).
 - b. Proposed projects that rely on the Residential Infill Lot Buffer Standard (Rule 3.7.1(B)(5)) to satisfy the Freshwater Wetland Buffer Standard are not eligible for

authorization through this GP. Applicants must obtain authorization by applying for a Freshwater Wetland Permit (Rule 3.11).

- c. All structures must meet all required setbacks specified in Rule 3.7.1(C).
- d. The area of land disturbance must be less than one (1) acre.

2. Limited projects associated with existing developed properties: Construction and installation of accessory structures, and other limited projects including, but not limited to additions, garages, loading areas, tennis courts, landscaping areas, Onsite Wastewater Treatment Systems, utilities, parking areas, outbuildings, and replacement of existing structures, subject to compliance with all standard terms and conditions of this permit and with all of the following project-specific requirements:

- a. All construction and disturbance must be outside all freshwater wetlands and must meet all Freshwater Wetland Buffer Standards specified in Rule 3.7.1(B). While not required, it is advised that applicants first obtain a verification of wetland edges and applicable buffer zones (see Rule 3.9.3) to facilitate quicker review and a predictable outcome. Note that buffers include existing undeveloped vegetated land and, where applicable, creation of new buffer (Rule 3.7.1(B)(3)).
- b. The area of land disturbance must be less than one (1) acre.
- c. Projects must not include subsurface disposal of stormwater subject to the RIDEM Groundwater Discharge Rules (includes Federal Underground Injection Control (UIC) Program), 250-RICR-150-05-4.
- d. Any project not otherwise exempt pursuant to Rule 3.6 that involves new impervious areas, or disturbance of 10,000 sq. ft. or more of existing impervious area, excepting projects associated with existing developed single-family residences or duplexes, must be accompanied by a signed statement from a RI Registered Professional Engineer certifying that the project has been designed to meet all applicable Minimum Standards set forth in the Stormwater Management, Design and Installation Rules (“Stormwater Rules”), 250-RICR-150-10-8.

3. Stormwater retrofit projects: Construction of stormwater best management practices (“BMP’s”) to manage existing stormwater runoff, subject to compliance with all standard terms and conditions of this permit and with all of the following project-specific requirements:

- a. All BMP’s and associated disturbance must be outside all freshwater wetlands and meet all Freshwater Wetland Buffer Standards specified in Rule 3.7.1(B), except in the case of highway wetlands where work within buffer may take place where buffer is routinely mowed and does not contain shrubs or trees.
- b. BMP’s are authorized to manage existing runoff only and are not authorized to receive stormwater runoff generated by new construction activity or increases in the area of impervious surfaces.
- c. Existing runoff patterns to receiving freshwater wetlands must be maintained.
- d. The area of land disturbance must be less than five (5) acres.
- e. Any project that involves land disturbance of one (1) acre or more must be accompanied by a signed statement from a RI Registered Professional Engineer certifying that the project has been designed to meet all applicable Soil Erosion and Sediment Control Plan Requirements outlined in Section III and will satisfy all General Requirements outlined in Section V of the Rhode Island Pollutant

Discharge Elimination System (RIPDES) General Permit for Stormwater Discharge Associated With Construction Activity.

- f. Projects must not include subsurface disposal of stormwater subject to the RIDEM Groundwater Discharge Rules (includes Federal Underground Injection Control (UIC) Program), 250-RICR-150-05-4.
4. **All other development outside of designated buffer zones:** Projects of any kind not otherwise listed above within Jurisdictional Area that are located outside of all freshwater wetlands and designated buffer zones, or that are outside of Jurisdictional Area but may not be undertaken without approval from RIDEM pursuant to Rule 3.5.6(B), subject to compliance with all standard terms and conditions of this permit and with all of the following project-specific requirements:
- a. All proposed disturbance must be located outside of any freshwater wetland or applicable designated buffer zone. While not required, it is advised that applicants first obtain a verification of wetland edges and applicable buffer zones (see Rule 3.9.3) to facilitate quicker review and a predictable outcome.
 - b. All structures must meet all required setbacks specified in Rule 3.7.1(C).
 - c. The area of land disturbance must be less than one (1) acre.
 - d. Projects must not include subsurface disposal of stormwater subject to the RIDEM Groundwater Discharge Rules (includes Federal Underground Injection Control (UIC) Program), 250-RICR-150-05-4.
 - e. Any project that involves new impervious areas, or disturbance of 10,000 sq. ft. or more of existing impervious area, must be accompanied by a signed statement from a RI Registered Professional Engineer certifying that the project has been designed to meet all applicable Minimum Standards set forth in the Stormwater Management, Design and Installation Rules, 250-RICR-150-10-8.

B. General Permit Application Requirements

1. Applicants shall complete and sign a Freshwater Wetland GP application on forms provided by RIDEM.
2. In addition to the GP application form, the applicant must also provide documentation to describe a proposed project or activity in sufficient detail to clearly demonstrate how it will meet all project-specific requirements and all Terms and Conditions of the GP including but not limited to:
 - a. Site plans (3 copies) meeting relevant Site Plan Requirements of Rule 3.8.4 of the RIDEM Rules; Use of a professional may be required for site plan preparation as further described in Rule 3.8.7.
 - b. A narrative description (2 copies) of the proposed project and activity;
 - c. Any other relevant documentation (2 copies) such as floodplain documentation, copies of previous Wetland Determination or Edge Verification letters, or any other supporting documentation needed to demonstrate how all relevant requirements of the GP have been met.
3. An application is to be accompanied by a fee of \$150 (checks payable to the Rhode Island General Treasurer).

C. Authorization

1. Upon review of an Application for a Freshwater Wetlands General Permit, RIDEM will provide in writing either authorization to proceed under the GP or a determination that a project is ineligible under this GP.
2. Authorizations issued under this GP shall be valid for a period of five (5) years from issuance. Projects not yet complete after five (5) years must reapply as appropriate for a new approval under the Rules in effect at that time.
3. An authorization issued pursuant to this GP is not transferrable to any other person unless a Notice of Change of Ownership form is completed and submitted pursuant to Condition 15 of this Permit.
4. In the event RIDEM determines a project ineligible to be authorized under the GP (see Standard Term and Condition No. 3), the applicant will be afforded an opportunity to submit additional documentation and the balance of any fee as required to proceed with either an Application for Freshwater Wetlands Permit or an Application for Significant Alteration, as directed by RIDEM.

D. Standard Terms and Conditions Applicable to All Projects

1. If RIDEM authorizes a project under this GP and subsequently discovers that it has relied upon false, incomplete, or erroneous information provided by the applicant, the GP authorization shall be deemed null and void, and RIDEM may revoke the authorization and pursue an appropriate remedy.
2. No work shall commence prior to receipt of written authorization from RIDEM.
3. Authorization under this GP does not relieve any applicant's responsibility to obtain other Federal, State or local authorizations as required by law.
4. Authorization under this GP does not relieve an applicant from any duties owed to adjacent landowners with specific reference to any changes in runoff or drainage.
5. Notwithstanding compliance with the terms and conditions of this GP, RIDEM reserves the right to require an Application for Freshwater Wetlands Permit whenever RIDEM determines that the potential impacts of a proposed project may warrant a more detailed review. Whenever an applicant is so notified that an Application for Freshwater Wetlands Permit is required, authorization under this GP is void and no work shall be conducted until RIDEM issues a permit in writing authorizing work to proceed.
6. All projects must install, utilize and and maintain appropriate erosion and sediment controls and practices consistent with *RI Soil Erosion and Sediment Control Handbook*, as amended, as necessary to prevent the discharge of sediment into freshwater wetlands or buffers. All exposed soils and other fills are to be permanently stabilized at the earliest practicable date.
7. Temporary soil erosion and sediment controls shall be removed upon completion of work, but not before all disturbed areas are permanently stabilized. The sediment collected by these controls and devices shall be removed and placed in upland locations within the approved project limits or otherwise stabilized in a manner that will prevent its later erosion.
8. All projects, other than stormwater retrofit projects, must utilize and maintain appropriate stormwater treatment best management practices in accordance with the Stormwater Rules, the *RI Stormwater Design and Installation Standards Manual*, or (as applicable) the RI

Stormwater Management Guidance for Individual Single-Family Residential Lot Development, as amended.

9. No project may result in placement of fill or structures in floodplain or floodway.
10. No project may include installation of a groundwater well, or combination of wells within a sub-watershed, intended to withdraw greater than 10,000 gallons per day.
11. No project or activity may result in degradation of the natural characteristics of any rare wetland type (i.e. bogs, fens, Atlantic white cedar swamps); likewise, no project or activity may reduce the ability of a freshwater wetland or buffer to ensure the long-term viability of any rare animal or plant species.
12. Authorized projects and activities shall be undertaken and performed in a manner that prevents the introduction or spread of non-native invasive species within Jurisdictional Areas, and all vehicles and equipment that may be a vector for the introduction or spread of invasive species shall be inspected and cleaned before and after use.
13. All wetland functions and values are to be protected to the maximum extent possible from pollution, sediment, direct discharge of stormwater runoff, or any material foreign to a wetland or hazardous to life entering any freshwater wetland, buffer, or floodplain and so as to be protective of aquatic life and not result in long-term reductions in stream flow or increased flooding.
14. In seeking authorization under this GP, the applicant expressly authorizes RIDEM to perform periodic inspections at any time deemed necessary to ensure that the project is being constructed or has been completed in accordance with all project-specific restrictions and terms and conditions of this GP.
15. Prior to the start of construction on any project authorized by this GP, an applicant must complete and submit the Start of Construction form found at:
<http://www.dem.ri.gov/programs/benviron/water/permits/swcoord/soc.pdf>
16. In the event of transfer of the subject property subsequent to authorization of a project under this GP, the new owner shall complete and submit a Notice of Change of Ownership form found at <http://www.dem.ri.gov/programs/benviron/water/permits/swcoord/soc.pdf>.

II. Severability: The provisions of this GP are severable, and if any provision of this Permit, or the application of this Permit to any particular circumstance, is held invalid, the application of such provision to other circumstances and the remainder of this Permit shall not be affected thereby.

Signed this ____ day of October, 2022

Charles A. Horbert, Deputy Administrator
Groundwater & Freshwater Wetlands Protection
RI DEM Office of Water Resources